

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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REFAEL KLIEN,

Plaintiff,

-against-

19 **CIVIL** 9172 (RA)

JUDGMENT

STACEY B. AICHER,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated July 21, 2020, Plaintiff's complaint is dismissed on jurisdictional grounds, and the action is dismissed without prejudice. See *Hernandez v. Conriv Realty Assocs.*, 182 F.3d 121, 123 (2d Cir. 1999) ("[W]here a court lacks subject matter jurisdiction, it also lacks the power to dismiss with prejudice."). Defendant's motion for sanctions is granted, and Plaintiff is ordered to pay Defendant's attorney's fees and costs incurred in defending herself in this action as of October 11, 2019. Defendant's attorney is directed to submit an affidavit setting forth the total hours spent and legal services rendered in connection with this action, as well as counsel's hourly fee, no later than July 28, 2020; accordingly, this case is closed.

Dated: New York, New York

July 22, 2020

RUBY J. KRAJICK

BY: Clerk of Court
K. mango
Deputy Clerk